

CLERK OF COURTS  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
P.O. BOX 1820  
ERIE, PA 16507

DOCKET NO. 01-16-003 ERIE

DEAR CLERK OF COURTS;

PLEASE FIND ENCLOSED, PETITIONERS MOTION TO  
CORRECT FINANCIAL OBLIGATION/RESTITUTION TO BE  
SUBMITTED TO THE HONORABLE COURTS.

THANK YOU FOR YOUR TIME,

DATE: #  
DAVID LEE EICHENLAUB 20048-068  
FCI- MCKEAN  
P.O. BOX 8000  
BRADFORD, PA 16701

CC: FILE

EXHIBITS ATTACHED

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID LEE EICHENLAUB  
-PETITIONER-

DOCKET NO. 01-16-00381E

Vs.

UNITED STATES OF AMERICA  
-RESPONDENT-

MOTION TO CORRECT  
FINANCIAL OBLIGATION AND  
RESTITUTION

PETITIONER, DAVID LEE EICHENLAUB WHO IS A PRISONER AT  
FEDERAL CORRECTIONAL INSTITUTION-MCKEAN, BRADFORD PA, DO  
HEREBY SUBMIT THIS FOREGOING MOTION TO THE COURT FOR  
CORRECTION OF PETITIONER EICHENLAUBS' FINANCIAL OB-  
-LIGATION TO THE HONORABLE COURT. PETITIONER FURTHER  
STATES THAT THE AMOUNT OF \$8,066.96 ENTERED IN  
JUDGEMENT AND COMMITMENT IS IN FACT IN-ACCURATE  
AND HAS BEEN REPAID/RECOVERED TO THE BANK, FOR  
WHICH PETITIONER HAS BEEN HELD SEVERALLY AND

(2)

RESPONSIBLE FOR. [SEE ENCLOSED DOCUMENT, GOVERNMENT EXHIBIT B]  
(receipt for recovery of money, total \$ 7,466 enclosed, dated 9/30/2002)

UP TO DATE, PETITIONER EICHENLAUB FINANCIAL RESPONSIBILITY  
RECORDS LIST THAT HE IS STILL AT DEFAULT FOR THE ABOVE  
LISTED SUM. [PLEASE SEE ENCLOSED DOCUMENT(S), EXCEPTIONS TO PRESENTENCE  
REPORT AND SECOND ADDENDUM TO THE PRESENTENCE REPORT]

PETITIONER RESPECTFULLY ASSERTS HIS CLAIM IN THE FOREGOING  
MATTER, AND REQUESTS THE HONORABLE COURTS TO ENTER THE  
PROPER SUM OF \$ 620.96, FOR WHICH PETITIONER IS IN FACT  
SEVERALLY AND LIABLE FOR, ALONG WITH PETITIONER'S CO-DEFEN-  
-DANTS.

PETITIONER PRAYS FOR A CAREFUL CONSIDERATION AND RULING  
IN THE FOREGOING MATTER, SO AS TO PROJECT THE ACCURATE SUM.  
Respectfully SUBMITTED,

cc: FILE

DATED:

DAVID LEE EICHENLAUB #20048-068

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

DAVID LEE EICHENLAUB

:  
:  
:  
:  
:

Docket No. 01-16-003 ERIE

EXCEPTIONS TO PRESENTENCE REPORT

COPY

1. The total loss to the National City Bank as a result of the armed robbery in which the Defendant was involved in was listed as, according to the Presentence Report, as \$8,066.96.
2. The Presentence Report further states that the said restitution amount is outstanding and lists where payments may be forwarded for the same.
3. The Presentence Report further reports that at the time of the arrest of a co-defendant, Shelby Dan Tuszynski, \$7,466.30 in cash was recovered.
4. It is believed that the only true loss to the bank, therefore, is \$600.66 dollars.
5. It is further believed, therefore, since there were a total of four (4) co-defendants, that the only restitution owed by the Defendant, David Lee Eichenlaub, should be \$150.17.

Respectfully submitted,

CARNEY & GOOD

By: \_\_\_\_\_

Daniel J. Brabender, Jr., Esq.  
Attorney for Defendant  
254 West Sixth Street  
Erie, PA 16507-1398  
[814] 453-5004  
Attorney I.D. No. 27912

**SECOND ADDENDUM TO THE PRESENTENCE REPORT**

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
UNITED STATES V. DAVID LEE EICHENLAUB, DOCKET NO. 01-00016-003 ERIE**

The probation officer certifies that the Presentence Report, including any revision thereof, has been disclosed to the defendant, his attorney, and counsel for the Government and that the content of the Addendum has been communicated to counsel. The Addendum fairly states any objections they have made.

**OBJECTIONS**

**By the Government**

None.

**By the Defendant**

The defendant states that since the total loss suffered by National City Bank was \$8,066.96 and law enforcement agents recovered \$7,466.30, the "...only true loss to the bank is \$600.66." He takes the position that he should only be held responsible for a fourth of that amount.

Once all potential claims to the money recovered from Shelby Tuszynski are moot and the money is released to National City Bank, the balance due will then be \$600.66. We have taken the position that all four defendants are jointly and severally responsible for this amount rather than just a fourth of the balance due.

Respectfully submitted,

George F. Gregory  
Chief United States Probation Officer

By: 

Barbara L. Henderson  
Senior United States Probation Officer

Approved:

\_\_\_\_\_  
Gerald R. Buban  
Supervising United States Probation Officer

BLH:mp

September 20, 2001

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/SeizedFile # 91A-PG-109221On (date) 9/30/2002

item(s) listed below were:

- ☐
- Received From
- 
- ☒
- Returned To
- 
- ☐
- Released To
- 
- ☐
- Seized

(Name) James Gehrlein-Senior V.P.  
Elizabeth J. Velleher - Assistant Manager  
(Street Address) 801 State Street National City  
(City) Erie PA 16501

Description of Item(s): \$7,400 in U.S. currencyGOVERNMENT  
EXHIBITB

Received By:

James E. Schley  
Elizabeth J. Velleher  
Ali

Received From:

Frederick M. Gorte  
John J. Law

TOTAL P.02